UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,090	07/10/1998	KIA SILVERBROOK	ART34-US	7669

7590 04/23/2002

KIA SILVERBROOK
SILVERBROOK RESEARCH PTY
393 DARLING ST
BALMAIN, 2040
AUSTRALIA

EXAMINER
NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/113,090	Applicant(s) Silverbrook et al.
	Examiner Luong Nguyen	Art Unit 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Apr 8, 2002* .

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *6-8* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *6-8* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) ☐ Interview Summary (PTO-413) Paper No(s). _____
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

DETAILED ACTION

Request for Continued Examination

1. The request filed on 4/8/2002 for a Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/113,090 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Arguments

2. In "Response to Advisory Action" of 8 April 2002, the Applicant submitted that it is not necessary to insert "under program(me) control" to argue that claim 1 does limit the claimed invention to performing the deblurring under program(me) control, as it is inherent within the meaning of "processor means ... to process...".

In response, note that claim 1 has been canceled by Amendment filed on 8/1/2001. The Examiner considers that the Applicant intended to argue on claim 6 which has been added in Amendment filed on 8/1/2001.

Regarding claim 6, the limitation "a processor means ... adapted to process..." is written as a functional language. "A functional limitation is an attempt to define something by what it does, rather than by what it is" (MPEP, section 2173.05 (g)). In addition, "Apparatus claims cover what a device is, not what a device does." *Hewlett-Packard Co. v. Baush & Lomb Inc.*, 15 USPQ2d, 1525, 1528 (Fed. Cir. 1990). A claim containing a "recitation with respect to the

manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2USPQ2d 1647 (Bd. Pat. App. & Inter. 1987). Therefore, claim 6, which is an apparatus claim, is still rejected as being unpatentable over Misawa et al. in view of Stephenson. Since the output signal from elements 235, 42 and 144 is different from the signal input, it is a "processor".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa et al. (US 5,282,044) in view of Stephenson (US 5,757,388).

Regarding claim 6, Misawa et al. disclose a camera shake correction system comprising an image sensor, disclosed as CCD 22 (figure 10, column 6, lines 45-50); a velocity detection means, disclosed as angular velocity sensor 255 (figure 10, column 14, lines 14-15); a processor means, disclosed as combination of camera shake correction part 235, signal processing circuit 42 and picture image correction circuit 144 (figure 10, column 14, lines 5-45). Misawa et al. fail to specifically disclose a portable handheld camera; and said processor means is connected to an

integral inkjet printer means. However, Stephenson teaches an electronic camera and an integral ink jet printer can be coupled to provide a portable assembly (figure 3, column 2, lines 44-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Misawa et al. by the teaching of Stephenson in order to let the user obtain high quality, low cost prints (column 1, line 64 through column 2, line 2).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa et al. (US 5,282,044) in view of Stephenson (US 5,757,388) further in view of Nobuoka (US 5,986,698).

Regarding claim 7, Misawa et al. and Stephenson fail to specifically disclose wherein said velocity detection means comprises an accelerometer. However, Nobuoka discloses an optical method which detects overall movement of a video camera by using an acceleration sensor (accelerometer, column 1, lines 40-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Misawa et al. and Stephenson by the teaching of Nobuoka in order to obtain an image sensing apparatus which detects the movement of the apparatus to perform vibration blur correction (column 1, lines 43-46, column 2, lines 55-56).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa et al. (US 5,282,044) in view of Stephenson (US 5,757,388) and Nobuoka (US 5,986,698) further in view of Galvin et al. (US 6,199,874).

Regarding claim 8, Misawa et al., Stephenson and Nobuoka fail to specifically disclose wherein said accelerometer comprises a micro-electro mechanical devices. However, Galvin et al. disclose a microelectromechanical accelerometer (column 1, lines 12-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Misawa et al., Stephenson and Nobuoka by the teaching of Galvin et al. in order to reduce cost of manufacturing accelerometer (column 1, lines 17-19).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297.** If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a genreal nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
4/20/2002

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600